

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

IN RE:)	BANKRUPTCY CASE
SHANEKA NECOLE PASCHAL)	NO. 19-70879-JTL
Debtor.)	JUDGE JOHN T. LANEY, III
-----)	CHAPTER 13
NISSAN INFINITI LT,)	-----
Movant,)	CONTESTED MATTER
vs.)	
SHANEKA NECOLE PASCHAL, and)	
KRISTIN HURST, as Trustee,)	
Respondents.)	

NOTICE OF ASSIGNMENT OF HEARING

NISSAN INFINITI LT has filed papers with the Court to terminate the automatic stay. In the event a hearing cannot be held within thirty (30) days from the filing of the motion for relief from the automatic stay as required by 11 U.S.C. Sec. 362, Movant, by and through its counsel, waives this requirement and agrees to the next earliest possible date, as evidenced by its signature below.

YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. **If you do not have an attorney, you may wish to consult one.** If not served with this notice in accordance with the Bankruptcy Code or the Federal rules of Bankruptcy Procedures, a copy may be obtained upon written request to counsel for the Movant (identified below) or at the Clerk's office.

If you do not want the court to terminate the automatic stay or if you want the court to consider your views on the motion, then you or your attorney must:

Attend the hearing scheduled to be held on the day of 02/26/2020 at 8:30 a.m. in U.S. Bankruptcy Court, Federal Building, 401 North Patterson, Valdosta, GA 31601.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief. This notice is sent by the undersigned pursuant to Bankruptcy Rule 2002 & 4001.

DATE: January 24, 2020

/s/ Ronald A. Levine
Ronald A. Levine, Esq.
GA Bar No. 448736
LEVINE & BLOCK, LLC
P.O. Box 422148
Atlanta, Georgia 30342 (404) 231-4567

Clerk of the Court
United States Bankruptcy Court
P.O. Box 2147
Columbus, GA 31902-2147

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_____)	CHAPTER 13
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_____)	

**MOTION TO TERMINATE STAY AND TO AUTHORIZE MOVANT TO
TAKE POSSESSION OF COLLATERAL AS TO DEBTOR AND WAIVER OF RIGHT TO
HEARING WITHIN 30 DAYS AS
PROVIDED BY 11 U.S.C. SECTION 362(e)**

COMES NOW NISSAN INFINITI LT (hereinafter referred to as "NMAC") and respectfully represents the following:

1.

The within and foregoing Petition under Chapter 13 of the Bankruptcy Code was filed on 07/30/2019.

2.

Respondent(s) executed a lease contract , which was assigned to NMAC for value, NMAC retaining ownership of the collateral described therein, all of which is more fully described in the proof of claim on file with this court, being collateral known as 2018 Nissan Altima, VIN 1N4AL3AP4JC233166.

3.

Movant is presently unable to take possession of and enforce its contractual rights unless the Court terminates, annuls, modifies, or otherwise conditions the automatic Stay under 11 U.S.C. §362.

4.

Movant does not have and has not been offered adequate protection by the Respondent(s). NMAC is entitled to an Order terminating the automatic stay, pursuant to 11 U.S.C. Section

362(d)(1), due to the Debtor's failure to provide adequate protection as described therein. In accordance with 11 U.S.C. 365, the Debtor is required to assume or reject the lease agreement. The proposed chapter 13 plan fails to comply with 11 U.S.C. 365. The lease payments are \$818.42 each and the account is presently due for the 07/03/2019 payment and each payment thereafter. The debtor has failed to submit any post petition payments. The failure to maintain lease payments leaves NMAC without adequate protection.

5.

Further, the aforescribed collateral is depreciating in value daily and the Debtor has no equity in the collateral. The debt owing to NMAC is \$33,910.87 net, save and except rebates as by law allowed; the value of the collateral being less than the debt.

6.

Movant makes this request pursuant to 11 U.S.C. §362 and seeks a hearing pursuant to §362(e) and waives right to hearing within thirty (30) days as provided by 11 U.S.C. Section 362(e)

WHEREFORE, Movant prays:

- (a) That the Court grant Movant an immediate hearing;
- (b) That after notice and hearing, the Movant be entitled to unrestrained possession, custody and control of the aforescribed collateral and be permitted to proceed as by law allowed;
- (c) That the Court grant immediate relief and waive the requirement of Bankruptcy Rule 4001(a)(3); and
- (d) That the Court grant such other relief as is just and proper.

Respectfully submitted,
LEVINE & BLOCK, LLC

BY: /s/ Ronald A. Levine
Ronald A. Levine, Esq.
[GA Bar No. 448736]
ATTORNEYS FOR MOVANT

P.O. Box 422148
Atlanta, Georgia 30342
(404) 231-4567

CERTIFICATE OF SERVICE

This is to certify that I have this date served a copy of the within and foregoing "Motion to Terminate Stay and to Authorize Movant to Take Possession of Collateral and Waiver of Right to Hearing Within 30 Days as Provide by 11 U.S.C. Section 362(e) and "Notice of Hearing " via electronic means as listed on the Court's ECF noticing system or by regular first class mail by depositing same in the United States mail in a properly addressed envelope with adequate postage thereon to insure delivery upon the following:

Shaneka Necole Paschal
400 Aaron Street
Ocilla, Georgia 31774

Franklin D. Hayes, Esquire
P.O. Box 2377
109 S. Madison Avenue
Douglas, GA 31533

Kristin Hurst, Esq.
Chapter 13 Trustee
P.O. Box 1907
Columbus, Georgia 31902-1907

This 24th day of January 2020.

P.O. Box 422148
Atlanta, GA 30342
(404) 231-4567

/s/ Ronald A. Levine
Ronald A. Levine, Esq.